



22 JAN 2007

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In re Application of	:	
SIGO et al.	:	
Application No.: 10/570,299	:	DECISION
PCT No.: PCT/EP2004/052150	:	
Int. Filing Date: 13 September 2004	:	
Priority Date: 12 September 2003	:	
Attorney Docket No.: 251066	:	
For: PLANNING OF SIMULTANEOUS	:	
EXAMINATIONS FOR A SINGLE PATIENT	:	
WITHIN ONE TIME SLOT	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 04 January 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 13 September 2004, applicants filed international application PCT/EP2004/052150, which designated the United States and claimed a priority date of 12 September 2003. A copy of the international application was communicated from the International Bureau to the USPTO on 24 March 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 March 2006 (12 March 2006 being a Sunday).

On 28 February 2006, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 03 November 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required.

On 04 January 2007, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors, the surcharge under 37 CFR 1.492(h), a petition/fee for a one-month extension of time, a declaration of facts by Annemie Verbrugghe, and a copy of an e-mail exchange between Annemie Verbrugghe and non-signing inventor Miguel Sigo.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items(1)-(4) have been met. The declaration of inventors filed 04 January 2007 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **04 January 2007**.



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Legal Examiner

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